PTO/SB/25 (08-03)

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## TERMINAL DISCLAIMER TO OBVIATE A PROVISIONAL DOUBLE PATENTING REJECTION OVER A PENDING SECOND APPLICATION

**Docket Number (Optional)** AUS9-1999-0269-US1

| In re Application of  | <sub>of:</sub> Berstis et al.   |  |   |  |  |
|---|---|--|---|--|--|
| Application No.:  | 09/703,335  |  |   |  |  |
| Filed:  | 10/31/2000  |  |   |  |  |
| For: Batteryless,   | Oscillatorless, Binary Time Cell  | Usable as an Horological Devi  | ce with Associated Progra   | amming Methods and Devices   |  |
| provided below, the beyond the expired disclaimer filed publication on the insecond application binding upon the line making application that we patent granted on the event that any sual court of compectations canceled. | her*, IBM Corporation he terminal part of the statutoration date of the full statutorior to the grant of any pate 00, of any patent on t stant application shall be enformant and the stant application shall be enformant and the successors or as any the above disclaimer, the awould extend to the expiration the second application, as such granted patent: expires for each jurisdiction, is statutorily by a reexamination certificate shortened by any terminal discontinuous control of the statutorily by a reexamination certificate shortened by any terminal discontinuous control of the statutorily area. | ory term of any patent grant<br>ory term defined in 35 U.<br>int granted on pending sec<br>the pending second applicatorceable only for and during<br>is agreement runs with an<br>isigns.<br>It is agreement runs with an<br>isigns.<br>It is agreement disclaim the<br>in date of the full statutory<br>is shortened by any terminator<br>or failure to pay a maintenary<br>disclaimed in whole or to<br>e, is reissued, or is in any  | ated on the instant apples. C. 154 and 173 as cond Application Numbration. The owner hereby such period that it any patent granted on the terminal part of any patent granted in 35 al disclaimer filed priorance fee, is held unenforminally disclaimed unanner terminated priorance terminated priorance fee, is held unenforminally disclaimed unanner terminated priorance fee, is held unenforminally disclaimed unanner terminated priorance fee, is held unenforminally disclaimed unanner terminated priorance fee. | ication, which would extend shortened by any terminal per 09/703,334 , y agrees that any patent so d any patent granted on the instant application and is extent granted on the instant U.S.C. 154 and 173 of any r to the patent grant, in the orceable, is found invalid by nder 37 CFR 1.321, has all |  |
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|   |   | 1  | eugh Ruwk<br>Signature  | 05/13/2004   |  |
|   |   |  | signature   | Date   |  |
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Docket Number (Optional)

AUS9-1999-0269-US1

| In re Application  | of: Berstis  | s et al.   |   |  |   |   |  |
|--|--|--|---|--|---|---|--|
| Application No.:   | 09/703   | 3,335  |   |  |   |   |  |
| Filed:   | 10/31/   | 2000   |   |  |   |   |  |
| For: Batteryless   | , Oscillatori  | ess, Binary Time   | Cell Usable as an Horo  | logical Device with Ass  | ociated Programming   | Methods and Devices   |  |
| provided below, beyond the exp disclaimer filed filed on 10/31/20 granted on the in second application binding upon the In mak application that patent granted event that any sa court of comp claims canceled | the termin iration dat prior to the 1000 instant appl on are core grantee, it ing the abound extend the security of the securi | al part of the state of the full state of any patent of any patent ication shall be at successors of the disclaimer, the disclaimer, the disclaimer of application of patent: expired iction, is statutamination certification of the statutamination of th | the owner does not on<br>ration date of the full<br>on, as shortened by a<br>les for failure to pay a<br>torily disclaimed in the | atent granted on the in 35 U.S.C. 154 ending second Appli and application. The and during such per as with any patent glisclaim the terminal statutory term as dray terminal disclaim a maintenance fee, is whole or terminally or is in any manner te | e instant application, and 173 as shorter cation Number 09/owner hereby agreed in that it and any paranted on the instance part of any patent gefined in 35 U.S.C. there filed prior to the sheld unenforceable disclaimed under 37 | which would extend<br>ned by any terminal<br>703,340, as that any patent so<br>atent granted on the<br>nt application and is<br>ranted on the instant<br>154 and 173 of any<br>patent grant, in the |  |
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| 110.00 DR Joseph R. Burwell Typed or printed name  |  |  |   |  |   | <u> </u>  |  |
|  |  |  |   | •  | yped or printed name  |   |  |
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Docket Number (Optional)

AUS9-1999-0269-US1

| In re Appli  | ication of: Berstis et al.  |  |  |  |  |  |
|--|---|--|--|--|--|--|
| Application  | n No.: 09/703,335   |  |  |  |  |  |
| Filed:   | 10/31/2000  |  |  |  |  |  |
| For: Batte   | eryless, Oscillatorless, Binary Time Cell Usable as an H  | lorological Device with Associated Programmi   | ng Methods and Devices   |  |  |  |
| provided be beyond the disclaimer filed on 10 granted on second application patent graevent that a court of claims can | the owner*, IBM Corporation , of 100 perce elow, the terminal part of the statutory term of an expiration date of the full statutory term definition filed prior to the grant of any patent granted on 0/31/2000 , of any patent on the pending so the instant application shall be enforceable only plication are commonly owned. This agreement on the grantee, its successors or assigns. In making the above disclaimer, the owner does not the the second application, as shortened by any such granted patent: expires for failure to proceed the process of the second application, is statutorily disclaimed inceled by a reexamination certificate, is reissued them as shortened by any terminal disclaimer filed | by patent granted on the instant application of in 35 U.S.C. 154 and 173 as shown pending second Application Number _econd application. The owner hereby ag for and during such period that it and an runs with any patent granted on the instant of disclaim the terminal part of any patent full statutory term as defined in 35 U.S. by any terminal disclaimer filed prior to any a maintenance fee, is held unenforced in whole or terminally disclaimed under, or is in any manner terminated prior to | on, which would extend reened by any terminal 09/703,344, rees that any patent so y patent granted on the stant application and is at granted on the instant and 173 of any the patent grant, in the able, is found invalid by 37 CFR 1.321, has all |  |  |  |
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| 2.   | The undersigned is an attorney or agent of record   |  | M  |  |  |  |
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